

# **Exhibit 13**

**(Declaration of Richard Lazer)**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROAD-CON, INC, et al.,  
*Plaintiffs,*

V.

CITY OF PHILADELPHIA, et al.  
*Defendants.*

Civil No: 2:19-cv-01667

I, Richard Lazer, make this declaration and aver as follows:

1. I am the Deputy Mayor of Labor for the City of Philadelphia (the “City”).
2. In my capacity as Deputy Mayor of Labor, I am the primary point-of-contact for the City’s labor community and I am responsible for labor policy within the Philadelphia Department of Labor. I oversee the Department of Labor, which manages negotiations and grievance resolution with the City’s internal bargaining units.
3. In my capacity as Deputy Mayor of Labor, I am also responsible for reviewing and either approving or rejecting all recommendations for use of Project Labor Agreements (“PLAs”) submitted to the Mayor’s Office by City Agencies.
4. The City uses PLAs to ensure that complex, multi-trade and time-sensitive projects are completed in a timely and efficient manner.
5. The City’s PLAs contain provisions that provide for labor harmony and avoid work stoppages on projects.
6. The City’s PLAs also contain provisions related to diversity and inclusion within the labor organizations that sign on to City PLAs. During my time as Deputy Mayor of Labor, I have seen improvement in the diversity of workforces used on City projects that require PLAs. I believe these improvements are due, at least in part, to the City’s use of PLAs.

7. The 15<sup>th</sup> Street Bridge Project initially included a PLA because the complex and time-sensitive nature of the work demanded it. The work on this project required close coordination between contractors and several utility companies. In addition, if the 15<sup>th</sup> Street Bridge Project was delayed, it also would have delayed the police department's move to its new headquarters.

8. The Runway Project at Philadelphia Northeast Airport also initially included a PLA because it was time-sensitive and required multiple trades. Delay on this project would have impacted airport operations.

9. In the past, the United Steelworkers union has not been a signatory to City PLAs, for several reasons.

10. Many City contracts do not involve the type of heavy road work projects which United Steelworkers-affiliated contractors typically perform, so the United Steelworkers have not been selected as an appropriate labor union for some projects.

11. Further, in or around 2018 the City engaged in discussions with the United Steelworkers in an attempt to include the United Steelworkers as a signatory to the City's PLAs. The discussions were ultimately unsuccessful because the United Steelworkers believed that their organization could not comply with the diversity and inclusion goals of the City's PLAs.

12. Prior to the 15<sup>th</sup> Street Bridge and Runway Projects, I am not aware of any time when United Steelworkers-affiliated contractors notified the City of their interest in bidding on a specific City public works project that required a PLA to which the United Steelworkers were not a party.

13. After this case was filed in April 2018, the City has re-evaluated its practices with respect to PLAs. During this re-evaluation period, the City has refrained from using PLAs on

projects. From April 18, 2019 to the present, the City has solicited a bid for one project that required a PLA, which was a re-bid of a project that was originally bid prior to the filing of this lawsuit.

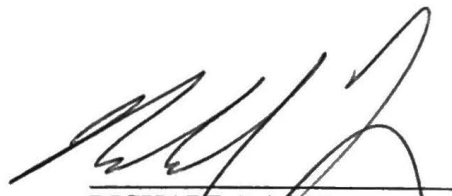
14. On October 15, 2020, Mayor James Kenney signed a new Executive Order related to PLAs, which rescinded Executive Order 8-15. A copy of the new Executive Order is attached to this Declaration as Attachment 1.

15. The new Executive Order removes the dollar threshold for PLAs and tailors the PLA recommendation process to the factors that Pennsylvania courts have focused on in evaluating the use of PLAs by government entities, such as the size and complexity of a project, the need for multiple trades, and an inflexible construction deadline.

16. If the City decides to use a PLA on a project in the future and it is a project for which the United Steelworkers may be an appropriate labor organization, the United Steelworkers will be provided an opportunity to sign on to the PLA before bids are solicited for the project.

17. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Date: December 1, 2020



RICHARD LAZER  
Philadelphia Deputy Mayor of Labor